



General Assembly

***Amendment***

February Session, 2008

LCO No. 4956

**\*SB0048304956SR0\***

Offered by:  
SEN. KISSEL, 7<sup>th</sup> Dist.

To: Senate Bill No. 483

File No. 267

Cal. No. 205

***"AN ACT PROMOTING PATIENT SAFETY AND ACCESS TO PROVIDER INFORMATION BY EXTENDING THE STATE PHYSICIAN PROFILE TO CERTAIN OTHER HEALTH CARE PROVIDERS."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2010*) (a) For the purposes of  
4 this section:

5 (1) "Department" means the Department of Public Health;

6 (2) "Physician" means a physician licensed pursuant to chapter 370  
7 of the general statutes; and

8 (3) "Health care provider" means: (A) A dentist licensed under  
9 chapter 379 of the general statutes; (B) a chiropractor licensed under  
10 chapter 372 of the general statutes; (C) an optometrist licensed under  
11 chapter 380 of the general statutes; (D) a podiatrist licensed under  
12 chapter 375 of the general statutes; (E) a natureopath licensed under

13 chapter 373 of the general statutes; (F) a dental hygienist licensed  
14 under chapter 379a of the general statutes; (G) an advanced practice  
15 registered nurse licensed under chapter 378 of the general statutes; or  
16 (H) a physical therapist licensed under chapter 376 of the general  
17 statutes. "Health care provider" does not include a physician.

18 (b) The department, after consultation with the Connecticut Medical  
19 Examining Board, the Connecticut State Medical Society, or any other  
20 appropriate state board, shall, within available appropriations, collect  
21 the following information to create an individual profile on each health  
22 care provider for dissemination to the public:

23 (1) The name of any medical or dental school, chiropractic college,  
24 school or college of optometry, school or college of chiropody or  
25 podiatry, school or college of natureopathy, school of dental hygiene,  
26 school of physical therapy or other school or institution giving  
27 instruction in the healing arts attended by the health care provider and  
28 the date of graduation;

29 (2) The site, training, discipline and inclusive dates of any  
30 completed postgraduate education or other professional education  
31 required pursuant to the applicable licensure section of the general  
32 statutes;

33 (3) The area of the health care provider's practice specialty;

34 (4) The address of the health care provider's primary practice  
35 location or primary practice locations, if more than one;

36 (5) A list of languages, other than English, spoken at the health care  
37 provider's primary practice locations;

38 (6) An indication of any disciplinary action taken against the health  
39 care provider by the department, the appropriate state board or any  
40 professional licensing or disciplinary body in another jurisdiction;

41 (7) Any current certifications issued to the health care provider by a  
42 specialty board of the health care provider's profession recognized by

43 the department;

44 (8) The hospitals and nursing homes at which the health care  
45 provider has been granted privileges;

46 (9) Any appointments of the physician to a Connecticut medical or  
47 dental school faculty or the faculty of any other school or institution  
48 giving instruction in the healing arts and an indication as to whether  
49 the health care provider has current responsibility for graduate  
50 professional education;

51 (10) A listing of the health care provider's publications in peer  
52 reviewed literature;

53 (11) A listing of the health care provider's professional services,  
54 activities and awards;

55 (12) Any hospital disciplinary actions against the health care  
56 provider that resulted, within the past ten years, in the termination or  
57 revocation of the health care provider's hospital privileges for a  
58 professional disciplinary cause or reason, or the resignation from, or  
59 nonrenewal of, professional staff membership or the restriction of  
60 privileges at a hospital taken in lieu of or in settlement of a pending  
61 disciplinary case related to professional competence in such hospital;

62 (13) A description of any criminal conviction of the health care  
63 provider for a felony within the last ten years. For the purposes of this  
64 subdivision, a health care provider shall be deemed to be convicted of  
65 a felony if the health care provider pleaded guilty or was found or  
66 adjudged guilty by a court of competent jurisdiction or has been  
67 convicted of a felony by the entry of a plea of nolo contendere;

68 (14) To the extent available, and consistent with the provisions of  
69 subsection (c) of this section, all professional malpractice court  
70 judgments and all professional malpractice arbitration awards against  
71 the health care provider in which a payment was awarded to a  
72 complaining party during the last ten years, and all settlements of

73 professional malpractice claims against the health care provider in  
74 which a payment was made to a complaining party within the last ten  
75 years;

76 (15) An indication as to whether the health care provider is actively  
77 involved in patient care; and

78 (16) The name of the health care provider's professional liability  
79 insurance carrier.

80 (c) Any report of a professional malpractice judgment or award  
81 against a health care provider made under subdivision (14) of  
82 subsection (b) of this section shall comply with the following: (1)  
83 Dispositions of paid claims shall be reported in a minimum of three  
84 graduated categories indicating the level of significance of the award  
85 or settlement; (2) information concerning paid professional malpractice  
86 claims shall be placed in context by comparing an individual health  
87 care provider's professional malpractice judgments, awards and  
88 settlements to the experience of other health care providers licensed in  
89 Connecticut who perform procedures and treat patients with a similar  
90 degree of risk; (3) all judgment award and settlement information  
91 reported shall be limited to amounts actually paid by or on behalf of  
92 the health care provider; and (4) comparisons of professional  
93 malpractice payment data shall be accompanied by (A) an explanation  
94 of the fact that health care providers treating certain patients and  
95 performing certain procedures are more likely to be the subject of  
96 litigation than others and that the comparison given is for health care  
97 providers who perform procedures and treat patients with a similar  
98 degree of risk; (B) a statement that the report reflects data for the last  
99 ten years and the recipient should take into account the number of  
100 years the health care provider has been in practice when considering  
101 the data; (C) an explanation that an incident giving rise to a  
102 professional malpractice claim may have occurred years before any  
103 payment was made due to the time lawsuits take to move through the  
104 legal system; (D) an explanation of the effect of treating high-risk  
105 patients on a health care provider's professional malpractice history;

106 and (E) an explanation that professional malpractice cases may be  
107 settled for reasons other than liability and that settlements are  
108 sometimes made by the insurer without the health care provider's  
109 consent. Information concerning all settlements shall be accompanied  
110 by the following statement: "Settlement of a claim may occur for a  
111 variety of reasons that do not necessarily reflect negatively on the  
112 professional competence or conduct of the health care provider. A  
113 payment in settlement of a professional malpractice action or claim  
114 should not be construed as creating a presumption that professional  
115 malpractice has occurred."

116 (d) Pending professional malpractice claims against a health care  
117 provider and actual amounts paid by or on behalf of a health care  
118 provider in connection with a professional malpractice judgment,  
119 award or settlement shall not be disclosed by the department to the  
120 public. This subsection shall not be construed to prevent the  
121 department from investigating and disciplining a health care provider  
122 on the basis of professional malpractice claims that are pending.

123 (e) Prior to the initial release of a health care provider's profile to the  
124 public, the department shall provide the health care provider with a  
125 copy of the health care provider's profile. Additionally, any  
126 amendments or modifications to the profile that were not supplied by  
127 the health care provider or not generated by the department itself shall  
128 be provided to the health care provider for review prior to release to  
129 the public. A health care provider shall have sixty days from the date  
130 the department mails or delivers the prepublication copy to dispute  
131 the accuracy of any information that the department proposes to  
132 include in such profile and to submit a written statement setting forth  
133 the basis for such dispute. If a health care provider does not notify the  
134 department that the health care provider disputes the accuracy of such  
135 information within such sixty-day period, the department shall make  
136 the profile available to the public and the health care provider shall be  
137 deemed to have approved the profile and all information contained in  
138 the profile. If a health care provider notifies the department that the  
139 health care provider disputes the accuracy of such information in

140 accordance with this subsection, the health care provider's profile shall  
141 be released to the public without the disputed information, but with a  
142 statement to the effect that information in the identified category is  
143 currently the subject of a dispute and is therefore not currently  
144 available. Not later than thirty days after the department's receipt of  
145 notice of a dispute, the department shall review any information  
146 submitted by the health care provider in support of such dispute and  
147 determine whether to amend the information contained in the profile.  
148 In the event that the department determines not to amend the disputed  
149 information, the disputed information shall be included in the profile  
150 with a statement that such information is disputed by the health care  
151 provider.

152 (f) A health care provider may elect to have the health care  
153 provider's profile omit information provided pursuant to subdivisions  
154 (9) to (11), inclusive, of subsection (b) of this section. In collecting  
155 information for such profiles and in the dissemination of such profiles,  
156 the department shall inform health care providers that they may  
157 choose not to provide the information described in said subdivisions  
158 (9) to (11), inclusive.

159 (g) Each profile created pursuant to this section shall include the  
160 following statement: "This profile contains information that may be  
161 used as a starting point in evaluating a health care provider. This  
162 profile should not, however, be your sole basis for selecting a health  
163 care provider."

164 (h) The department shall maintain a web site on the Internet, within  
165 available appropriations, for use by the public in obtaining profiles of  
166 health care providers.

167 (i) No state law that would otherwise prohibit, limit or penalize  
168 disclosure of information about a health care provider shall apply to  
169 disclosure of information required by this section.

170 (j) All information provided by a health care provider pursuant to  
171 this section shall be subject to the penalty for false statement under

172 section 53a-157b of the general statutes.

173 (k) Except for the information in subdivisions (1), (2), (10) and (11)  
174 of subsection (b) of this section, a health care provider shall notify the  
175 department of any changes to the information required in subsection  
176 (b) of this section not later than sixty days after such change."

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| This act shall take effect as follows and shall amend the following sections: |                 |             |
| Section 1   | January 1, 2010 | New section |